

EXECUTIVE CHAMBERS

HONOLULU

April 25, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1063

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1063, entitled "A Bill for an Act Relating to Legislative Vacancies."

The purpose of this bill is to require the Governor, in filling vacancies in the State Legislature and United States Senate, to select from a list of three names submitted by the political party of the former incumbent. Prospective appointees must have been members of the incumbent's party for at least six months prior to appointment, and incumbents who were not members of any political party could only be replaced by other non-party members.

The goal of the present law is to fill vacancies in the State Legislature and the United States Senate in a timely manner when such vacancies occur. These vacancies in elective office are appropriately filled by the Governor, who is elected by the public at large, and, as such, is accountable to the public. The process for filling vacancies in the United States Senate and the Hawaii State Legislature has been in place since 1970 and has not been shown to have compromised the integrity of the election process.

This bill places the ability for determining who may be appointed by the Governor with the political party leadership of the vacating office holder. This is in spite of the fact that these individuals are not elected by the public and, as such, are not accountable to them.

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Additionally, the bill, without any stated rationale, narrows the field of qualified candidates that the political party can consider to those who have been registered members of that party for at least six months prior to the appointment. Such a provision fails to recognize that this may unreasonably restrict the pool of potential candidates as the majority of people who personally and philosophically associate themselves with a political party and vote along party lines may not meet this requirement.

The Governor's ability and responsibility to select the most qualified person to fill a vacancy should not be so narrowly restricted.

For the foregoing reasons, I am returning Senate Bill No. 1063 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', written in a cursive style.

LINDA LINGLE
Governor of Hawaii